

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUANE L. ROUILLARD, III,

Defendant.

**8:15CR244**

**ORDER**

This matter is before the court after a hearing on the second amended petition for offender under supervision. On the court's own motion, the court finds a psychiatric and psychological evaluation of the defendant is necessary. On March 10, 2016, the defendant entered a plea of guilty to a charge of assault on a federal officer. Filing No. 32, Minute Entry.

There is substantial information in the record that indicates the defendant may presently be suffering from a mental disease or defect, particularly organic brain disease. Filing No. 72. The court finds that an inpatient evaluation is necessary. Neither the defendant nor the government has any objection to such an evaluation.

The court finds the defendant has shown that he "may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care and treatment in a suitable facility." [18 U.S.C. § 4244\(a\)](#). The court also finds that a psychiatric and psychological evaluation is warranted to determine the defendant's current mental status and to enable the court to determine an appropriate sentence. See [18 U.S.C. § 3552](#) (b) & (c). Under [18 U.S.C. § 4244\(b\)](#), if a report "includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need." [18 U.S.C. § 4244\(b\)](#). In particular, the parties and the court

believe an evaluation of the defendant's organic brain condition or traumatic brain injury and the limits imposed by that condition should be addressed.

Further, the court finds that there is a compelling reason for the evaluation to be done by the Bureau of Prisons and there are no adequate professional resources available in the local community to perform the evaluation. [18 U.S.C. § 3552\(b\)](#). The court recommends that the Bureau of Prison's Medical Center for Federal Prisoners in Springfield, Missouri, perform the evaluation. Accordingly,

IT IS ORDERED:

1. The defendant is remanded to the custody of the United States Bureau of Prisons for a full presentence psychiatric and psychological evaluation.
2. The report shall include the information required pursuant to [18 U.S.C. § 4247\(c\)](#) and 4244(b).
3. The report shall be completed on or before May 18, 2018.
4. The U.S. Probation Office shall forward to the Bureau of Prisons facility in which the defendant is evaluated a copy of all medical records relating to the defendant included those provided by defense counsel.
5. Sentencing is rescheduled to October 4, 2018, at 1:00 p.m., Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Dated this 6th day of April, 2018.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge